

## Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	79144687
LAW OFFICE ASSIGNED	LAW OFFICE 113
MARK SECTION (no change)	
ARGUMENT(S)	
<p><b><i>Response to Office Action of October 15, 2014</i></b></p> <p>The Examining Attorney continues and makes final his refusal based on likelihood of confusion with the mark in Reg. No. 3132607. Applicant again traverses the refusal and submits that there is insufficient presented to support a refusal under Section 2(d) and requests reconsideration and withdrawal of the refusal.</p> <p>In the meantime, Applicant is continuing its investigation of the facts pertaining to the issue of priority and likelihood of confusion, particularly given Applicant's use of its mark in commerce since the early 70's, which may also include consideration of a coexistence agreement with the owner of the cited registration, if warranted. While the examiner is bound by prior relevant registrations of record, continuation of these procedural steps by Applicant is also justified.</p> <p>Having responded to these issues, Applicant kindly requests passage to publication.</p> <p>Respectfully submitted,</p>	
SIGNATURE SECTION	
RESPONSE SIGNATURE	/ml/
SIGNATORY'S NAME	Mark Lebow
SIGNATORY'S POSITION	Attorney of Record, NY Bar
SIGNATORY'S PHONE NUMBER	703-837-9600
DATE SIGNED	04/16/2015

<b>AUTHORIZED SIGNATORY</b>	YES
<b>CONCURRENT APPEAL NOTICE FILED</b>	YES
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Thu Apr 16 14:25:54 EDT 2015
<b>TEAS STAMP</b>	USPTO/RFR-65.213.213.194- 20150416142554904058-7914 4687-530aba0b53164060ca77 c5dc5f60e252cac44972d776e a28a56062f3f1d9610e3-N/A- N/A-20150416142239983984

PTO Form 1960 (Rev 9/2007)  
OMB No. 0651-0050 (Exp. 07/31/2017)

## Request for Reconsideration after Final Action To the Commissioner for Trademarks:

Application serial no. **79144687** has been amended as follows:

### ARGUMENT(S)

**In response to the substantive refusal(s), please note the following:**

#### *Response to Office Action of October 15, 2014*

The Examining Attorney continues and makes final his refusal based on likelihood of confusion with the mark in Reg. No. 3132607. Applicant again traverses the refusal and submits that there is insufficient presented to support a refusal under Section 2(d) and requests reconsideration and withdrawal of the refusal.

In the meantime, Applicant is continuing its investigation of the facts pertaining to the issue of priority and likelihood of confusion, particularly given Applicant's use of its mark in commerce since the early 70's, which may also include consideration of a coexistence agreement with the owner of the cited registration, if warranted. While the examiner is bound by prior relevant registrations of record, continuation of these procedural steps by Applicant is also justified.

Having responded to these issues, Applicant kindly requests passage to publication.

Respectfully submitted,

**SIGNATURE(S)**

**Request for Reconsideration Signature**

Signature: /ml/ Date: 04/16/2015

Signatory's Name: Mark Lebow

Signatory's Position: Attorney of Record, NY Bar

Signatory's Phone Number: 703-837-9600

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 79144687

Internet Transmission Date: Thu Apr 16 14:25:54 EDT 2015

TEAS Stamp: USPTO/RFR-65.213.213.194-201504161425549

04058-79144687-530aba0b53164060ca77c5dc5

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